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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10

11 TERRY RIVERA, individually)
 and as the Administrator of)
 12 the Estate of Jose V. Rivera,)

13 Plaintiff,)

14 v.)

15 DENNIS SMITH; HARLEY LAPPIN;)
 ROBERT McFADDEN; SPECIAL)
 16 INVESTIGATIONS SPECIALIST)
 ZIRAGOSA; OPERATIONS)
 17 LIEUTENANT; ASSOCIATE WARDEN)
 BELL; ASSOCIATE WARDEN D.)
 18 SHINN; JESSE ESTRADA; MARIE)
 OROZCO; FOOD SERVICES)
 19 DEPARTMENT SUPERVISOR;)
 COMMISARY SUPERVISOR; UNIT)
 20 SECRETARY DRAYTON; UNIT)
 MANAGER BOWLES; and DOES 1)
 21 through 200, inclusive,)

22 Defendants.)
 23

Case No. 1:10-cv-01015-AWI-GSA

**STIPULATION AND PROPOSED ORDER
 FOR EXTENSION OF TIME TO
 RESPOND TO COMPLAINT AND TO
 CONTINUE INITIAL SCHEDULING
 CONFERENCE**

24 Pursuant to Local Rule 144(a), Plaintiff, Terry Rivera, and
 25 Defendants, Harley Lappin, Robert McFadden, Dennis Smith, Jon
 26 Bell, David Shinn, Jesse Estrada, Joel Zaragoza, Maria Orozco,
 27 Denise Bowles and Carrie Drayton, hereby stipulate and agree to
 28 an initial twenty-eight (28) day extension of the time. The

1 parties agree that the date by which Defendants must respond to
2 the Complaint is extended from December 7, 2010, to January 4,
3 2011.

4 The parties further stipulate and request that the Initial
5 Scheduling Conference be continued from December 1, 2010, to
6 February 2, 2011, at 9 a.m. in Courtroom 10 before Magistrate
7 Judge Gary S. Austin.

8 RESPECTFULLY SUBMITTED,

9 Dated: November 19, 2010.

BENJAMIN B. WAGNER
United States Attorney

10
11 By: /s/ Benjamin E. Hall
12 BENJAMIN E. HALL
13 Assistant U.S. Attorney
Attorneys for Defendant
United States of America

14 Dated: November 19, 2010.

LAW OFFICES OF MARK J. PEACOCK

15
16 By: /s/ Mark J. Peacock
17 MARK J. PEACOCK
Attorney for Plaintiff

18 **ORDER**

19
20 IT IS SO ORDERED.

21 Dated: November 22, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE